

In the United States Court of Federal Claims

CLEAN VENTURE, INC.,

Plaintiff,

V.

THE UNITED STATES,

Defendant,

and

AMERICAN ENVIRONMENTAL  
SERVICES, INC.,

Defendant-Intervenor.

No. 10-477C

Filed September 8, 2010

## ORDER

On September 8, 2010, the parties and the Court participated in a telephonic status conference requested by the parties (docket entry 27) and ordered by the Court (docket entry 28). Defendant informed the Court that the Defense Logistics Agency (“DLA”) is considering taking corrective action that would potentially moot the issues raised by plaintiff’s bid protest. Under defendant’s proposal, defendant-intervenor AES would continue to perform the contract for approximately six months while DLA conducted a repurchase. Plaintiff objected on the grounds that the award to AES was not valid and plaintiff would be prejudiced if AES continued to perform. Plaintiff’s counsel suggested that defendant-intervenor and plaintiff share the work until a repurchase could be completed. Defendant did not object to that proposal in principle, but raised various logistical concerns.

In light of the tentative nature of defendant's proposed action, the Court declined to suspend the briefing schedule set forth in the July 26, 2010 Scheduling Order (docket entry 10) as requested by defendant. But because the parties may agree upon a method of implementing the proposed corrective action, the Court **ORDERED** the parties to file by **Monday, September 13, 2010**, a joint status report advising the Court of the state of their discussions and whether plaintiff's counsel's suggestion or a similar proposal can be agreed upon with respect to contract performance during the six-month period prior to completion of the reprourement.

If DLA proposes to take corrective action and defendant believes such action would render this case moot, defendant should file an appropriate motion by **noon on Tuesday, September 14, 2010**.

**IT IS SO ORDERED.**

s/ George W. Miller

GEORGE W. MILLER

Judge